

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
May 25, 2004
Draft

The Board of County Commissioners of Leon County, Florida, met in Regular Session with Chairman Sauls presiding. Present were Commissioners Thael, Maloy, Winchester Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal.

Invocation was provided by Chairman Sauls followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- Commissioner Grippa presented the attached resolution to Buster Warmack, Soap Box Derby Race Director, in recognition of the efforts of the Tallahassee Region Soap Box Derby, Inc., in bringing races to Tallahassee:
- Commissioner Grippa presented the attached resolution to Tom Hunt, Community Relations Director of the Second Harvest Food Bank of the Big Bend, designating June 3, 2004 as National Hunger Awareness Day:
- Commissioner Proctor presented the attached resolution to Pat McGowan, recognizing her efforts for the past 20 years as Director of Small Business Development Center.
- The attached resolution was presented in honor of the Retirement of Leon County Employee, Merle Ladd, 9-1-1 Systems Manager, after 14 years of dedicated service to Leon County:

Consent Agenda

Commissioner Thael duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to approve the following consent agenda with the exception of Items 12, 20, and 22, which were pulled and addressed as described:

Note: The Board took action, as explained after Item 22, to reconsider the Consent Agenda.

1. Approval of Minutes

The Board approved Option 1: Approve the Minutes for the Special Meeting (Blueprint 2000) of April 26, 2004.

2. Approval of Bills and Vouchers

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for May 25, 2004, and pre-approve payment of bills and vouchers for the period May 26, 2004 through June 7, 2004: \$ 4,412,819.74

3. Acceptance of Florida, Department of Health, Emergency Medical Services Matching Grant in the amount of \$60,000

The Board approved Option 1: Accept the 2003/2004 Florida Department of Health, Bureau of Emergency Medical Services matching grant and approve the associated resolution and budget amendment request.

4. Approval to Submit the 2004 Byrne Grant Application

The Board approved Option 1: Authorize the submittal of the application for the 2004/05 Byrne Drug Control and System Improvement Grant.

5. Approval of Amendment No. 2 to Contract QJ309 for the Child Support Enforcement Hearing Officer, Between Leon County the State of Florida, Department of Revenue

The Board approved Option 1: Approve Amendment No. 2 to Contract QJ309 between the State of Florida, Department of Revenue and Leon County for Child Support Enforcement Hearing Officer.

6. Request to Schedule a Public Hearing to Adopt Ordinance Imposing a \$15 Surcharge and an Ordinance Imposing a \$65 Court Costs Pursuant to Article V Implementation for Tuesday, June 8, 2004 at 6:00 p.m.

The Board approved Option 1: Direct staff to draft two ordinances consistent with the provisions of Senate Bill 2962, and to advertise each for public hearing to be scheduled for the June 8, 2004 meeting.

7. Request to Reschedule the Starting Time of the June 8, 2004 Budget Workshop from 1:00 p.m. to 10:00 a.m.

The Board approved Option 1: Reschedule the start time of the June 8, 2004 Budget Workshop from 1:00 p.m. to 10:00 a.m.

8. Request to Schedule a Workshop on the Greenway Master Plan for Tuesday, July 13, 2004 at 1:00 p.m. – 1:45 p.m.

The Board approved Option 1: Schedule a Board Workshop on Tuesday, July 13, 2004 from 1:00 p.m. – 1:45 p.m. to review the Tallahassee-Leon County Greenway Master Plan.

9. Request to Schedule a Workshop Regarding Brownfields Programs for Tuesday, July 13, 2004 at 1:45 p.m. – 2:30 p.m.

The Board approved Option 1: Schedule a Board workshop on Tuesday, July 13, 2004 from 1:45 p.m. – 2:30 p.m. to address Brownfields Programs at the State and Federal levels.

10. Acceptance of Update on Employee CPR Training and Other Related Issues

The Board approved Option 1: Accept the update on CPR training and related issues.

11. Approval to Allocate \$370,000 to Bethel Community Development Corporation for the Provision of Rehabilitation Housing Construction Services to Low-Income and Very Low-Income Leon County Households, Using State Initiatives Partnership (SHIP) Funds

The Board approved Option 1: Approve the allocation of \$370,000 to Bethel Community Development Corporation to provide Rehabilitative Housing Construction Services, utilizing SHIP program funds.

12. Acceptance of the Primary Health Care Advisory Board FY 2002/03 Annual Report

This agenda item requests Board acceptance of the Primary Implementation Advisory Board Annual Report for Fiscal Year 2002-2004, which was included in the agenda package.

Commissioner Thael requested that the Advisory Board make a brief presentation to the Board on the Annual Report.

Terry Steeples, 3321 Woody Way, Chairman of the Primary Healthcare Implementation Advisory Board, appeared and introduced Lee Becker who will explain activities that took place during "Covered the Uninsured Week" in Leon County. Mr. Steeples highlighted the annual report.

Ms. Lee Becker explained that "Cover the Uninsured Week" is a national initiative sponsored by the Robert Wood Johnson Foundation. It took place May 9 – 15, 2004 across the nation and was designed to bring awareness of the plight of uninsured residents. In Leon County, there is a coalition of partners which include Carenet, United Way of the Big Bend, the Florida Medical Association, AARP, American Red Cross, the Florida Catholic Conference, Team Boys and

Girls Club, the Leon County Health Department, the FSU College of Medicine, the FSU School of Nursing, the FAMU School of Pharmacy and Pharmaceutical Sciences, Bond Community Health Center, and Neighborhood Health Services. As part of the week, Ms. Becker advised that a news conference was held, a panel was formulated to respond to issues, and a town hall meeting was conducted.

A brief video about the initiative was shown to the Board, in which CareNet reported that there are nearly 30,000 Tallahasseeans without health insurance and the number will continue to grow if steps are not taken. Mr. Steeple advised that the Primary Healthcare Advisory Board recommends that Leon County continue funding the Leon County Primary Healthcare Program for the uninsured through the Primary Healthcare MSTU (municipal services taxing unit).

Commissioner Thaeff moved and was duly seconded by Commissioner Rackleff to approve Option 1: Accept the Primary Healthcare Implementation Advisory Board Annual Report for FY 02-03.

Commissioner Proctor remarked that the Legislature gave the County power to stabilize a revenue stream for these types of services, i.e., indigent care, healthcare for the uninsured and other similar types of needs. He suggested that the Board explore the range of possibilities during the County's budget process, consider the cost-benefit analysis, and determine how the County can have a first class permanent support system in place utilizing the tools the Legislature has empowered the County, particularly since there is a teaching medical facility in the community. Commissioner Proctor advised that he would like to go on record to implore the County to optimize permanent support for this effort and use the tools the Legislature has provided.

Mr. Steeple responded that the Advisory Board has a separate committee that is looking at various funding options, both public and private.

The motion on the floor carried unanimously, 5/0 (Commissioners Winchester and Grippa were out of Chambers).

13. Approval of Staff's Report on Deferred Compensation Plans

This item seeks Board approval of staff's report on the County's deferred compensation plans.

On February 10, 2004, the Board directed staff to review whether or not employees, investing through deferred compensation and any other employee investment, are being subjected to illegal trade activities and what fees are being charged to employees. The Board approved Option 1 under Consent: Accept staff report on the County's deferred compensation plans.

(Later in the meeting, Commissioner Grippa moved to reconsider this item.)

Commissioner Grippa engaged in some discussion regarding fraud on the common investor and pointed out that the County has a claim to a settlement and a potential lawsuit against companies that cheated Leon County employees.

Commissioner Grippa moved and was duly seconded by Commissioner Winchester to direct the County Attorney to find out what other states, municipalities and clients are doing, and to move forward to ensure that County employees receive money back if they are due money back.

Commissioner Rackleff offered a friendly amendment, accepted by Commissioner Grippa, that staff provide information on the fees charged by the mutual funds that are offered to County employees and retirees, that the fee information be made available to employees, that the fee information come from Morningstar, a rating company, rather than from the companies themselves which are creative in how they compute these fees.

Commissioner Grippa included in his motion, a request that the County Attorney investigate the various settlements that are out there and potential legal procedures that Leon County can take to restore the money that was stolen from employees and retirees by misconduct.

The motion, with the amendments, carried unanimously, 7/0.

The Board then entered discussion regarding Item 32.

14. Approval to Award the Custodial Services Contract for Group 3 Buildings to Taylor Janitorial Services

The Board approved Option 1: Approve the agreement to award the bid to Taylor Janitorial Services for custodial services, and authorize the Chairman to execute.

15. Update on Status of the Bradfordville Settlement Agreements

The Board approved Option 1: Accept the status report on the Bradfordville Settlement Agreements.

16. Acceptance of Three Conservation Easements

The Board approved Option 1: Approve and accept for recording the three conservation easements provided in attachments 1a, 2a, and 3a: Mr. And Mrs. Roscoe and Mary Thompson (for the Rocky Hill Subdivision project); Mr. Scott Womble (for the Womble's Septic Services project); Mr. James L. Thompson (for the Glover Road Limited Partition project).

17. Acceptance of Assessment Roll for Winfield Forest 2/3 Project and Schedule a Public Hearing on the Proposed Special Improvement Liens

The Board approved Options 1, 2, and 3: 1) Accept the Assessment Roll for Winfield Forest 2/3 Project; 2) Authorize staff to schedule a public hearing to impose the liens for Winfield Forest 2/3 Project on July 13, 2004 at 6:00 p.m.; 3) Authorize staff to schedule a public hearing to adopt a non-ad valorem assessment roll for Winfield Forest 2/3 Project on July 13, 2004 at 6:00 p.m.

18. Acceptance of Lakeshore Gardens Subdivision 2/3 Paving Petition

The Board approved Option 1: Accept the petition and authorize staff to begin right-of-way and easement acquisition for a 2/3 Paving Project for Lakeshore Gardens

19. Approval of Recording of the Plat of Sable Chase (a public residential subdivision) and Acceptance of Performance Bonds and Agreement

The Board approved Options 1 and 2: 1) Approve the plat of Sable Chase for recording in the public records; 2) Accept the performance bonds in the amount of \$772,795.36 and \$5,000 and authorize the Chairman to execute the Performance Agreement for completion of the infrastructure and survey monumentation.

20. Approval of a Joint Project Agreement with the Florida Department of Transportation (FDOT) for a Highway 27 Stormwater Facility

The item requests approval of a resolution and joint participation agreement (JPA) between Leon County and the Florida Department of Transportation (FDOT) to support the U.S. 27 resurfacing project. The project also adds a right-turn lane for Cynthia Drive and redirects runoff from the Runnymede Subdivision to the County-maintained Faulk Drive pond.

Commissioned Rackleff pulled this item and noted that there was no reference to sidewalks instruction during the resurfacing project. He learned two weeks ago that DOT was not planning to build sidewalks along North Monroe further than Crowder Road. This would leave a long stretch of North Monroe Street without sidewalks when it is surrounded by residential neighborhoods and would be a lost opportunity during the resurfacing project.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael to continue this item and that staff negotiate with FDOT about an expanded sidewalk construction program on North Monroe Street.

Joe Brown, Public Works, explained that DOT does require sidewalks when it involves a reconstruction project but not for a resurfacing project. The project is to resurface the roadway that already exists and to keep it serviceable for a period

of time. Commissioner Thaelle wanted to know if DOT would respond to the County's request for construction of sidewalks. Mr. Brown advised that it was not likely that DOT would respond favorably. Commissioner Thaelle also asked if there were any money in the County's MPO Bike Pedestrian initiative to add sidewalks.

Teresa Heiker, Public Works, advised that the environmental permit for the project is finely balanced as it relates to removing a certain amount of impervious area to make the safety improvement for turning. They do not have enough capacity in stormwater facilities to exceed the current design for impervious area; if they had to put in additional impervious area, FDOT indicated that they would probably pull back the project and do a straight resurfacing. Commissioner Rackleff suggested that there might be an impact on volume, but not on water quality; runoff from a sidewalk is not the same as runoff from a road.

Chairman Sauls asked if the item were to be continued, would it jeopardize the funding? She would like to have the sidewalk constructed, but did not want to lose the resurfacing dollars for the roadway. Ms. Heiker explained that the time frame is short and DOT is waiting for the resolution to be adopted by the Board.

Commissioner Winchester moved a substitute motion, seconded by Commissioner Grippa to approve Option 1 with the addition as underlined: Approve the attached Resolution R04-11 and Joint Participation Agreement between FDOT and Leon County for the US 27 Resurfacing and authorize the Chairman to execute; and direct staff to include expanding the sidewalk program to include this segment of sidewalk in the MPO's bicycle/Pedestrian Master Plan and consider funding.

Commissioner Rackleff stated that there is a fundamental flaw in how County staff works with FDOT on these projects. Commissioner Rackleff moved a friendly amendment, which was accepted by Commissioner Winchester, to ensure that from now on sidewalks and safe pedestrian facilities are at the top of the list when staff goes to the first meeting in the PD & E process, and that staff review the FDOT policy on resurfacing and sidewalks.

Commissioner Grippa suggested adding to the motion, and Commissioner Winchester agreed, that staff obtain data from FDOT to determine if they have a policy that states that resurfacing projects do not include sidewalks. (Commissioner Grippa opined that it would not be appropriate for staff to ask FDOT to undo one of their policies); and request Planning staff to instruct the Bike/Pedestrian Plan to consider the subject area as it relates to connecting schools to neighborhoods.

The substitute motion with the amendment carried unanimously, 6/0 (Commissioner Proctor was out of Chambers).

The Board then entered into Public Hearing, Item 37.

21. Approval of New Cypress Landing Park Covenants and Restrictions

The Board approved Option 1: Approve and accept for recording the Declaration of Covenants and Restrictions for the New Cypress Landing passive park.

22. Approval of an Enabling Resolution Establishing a Citizens Liaison Committee for the Solid Waste Facility on U. S. 27

This agenda item requests Board approval of a resolution establishing a citizen's liaison committee for the Solid Waste Facility on U. S. 27 (landfill) to function and operate as a fact finding/focus committee.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael to approve Option 1 with the addition as underlined: Approve the attached Enabling Resolution R04-09 creating the Citizens' Liaison Committee for the Solid Waste Facility on U. S. 27, with the revision in the composition of the Committee to include four (4) representatives from adjacent neighborhoods, rather than three (3) and lift the "no trespass" warning against Mona Lisa Abbott.

Commissioner Grippa moved a substitution motion, duly seconded by Commissioner Maloy, to approve staff's recommendation, Option 1 as amended: Approve the attached Enabling Resolution R04-09 creating the Citizens' Liaison Committee (focus group) for the Solid Waste Facility on U. S. 27, and request the County Attorney to look at lifting the "no trespass" warning against Mona Lisa Abbott.

Glen Abbott, 7576 Tally Ann Drive, thanked the Board their assistance and stated that he supported Commissioner Rackleff's proposal regarding the committee. He stated that his wife, Lisa Abbott, would like to serve on the committee.

Leigh Root, Public Works, explained that staff discussed whether the committee should be a focus group or a decision-making body and ended up recommending a focus group. County Attorney Thiele explained that the focus group (Citizens' Liaison Committee) was envisioned to be a fact-finding committee.

The substitute motion with the added language carried 5 – 1 (Commissioner Rackleff voted in opposition and Commissioner Maloy was out of Chambers).

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, (Commissioner Thael voted in opposition and Commissioner Maloy was out of Chambers), to reconsider the Consent Agenda.

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Maloy was out of Chambers), to remove the Consent Agenda with the exception of Items 12, 13, 20, and 22.

Note comments and action regarding Item 13.

23. Approval of Amendments to the Street Sweeping Contract with the City of Tallahassee for Enhanced Services to the Solid Waste Transfer Station

The Board approved Option 1: Approve an amendment to the Street Sweeping Agreement with the City of Tallahassee for enhanced services at the Transfer Station and authorize the Chairman to execute.

24. Approval of an Urban and Community Forestry Grant Award Agreement with the Department of Agriculture and Consumer Services (DACS) for Completion of Canopy Road Tree Inventory

The Board approved Option 1: Approve the Urban and Community Forestry Grant Award to complete the canopy road tree inventory and authorize the Chairman to execute the Memorandum of Agreement with the Department of Agriculture and Consumer Services.

25. Ratification of Emergency Purchase of Tires and Rim Assemblies for Solid Waste Transfer Station Equipment, Unit #11518 in the Amount of \$27,567

The Board approved Option 1: Ratify the emergency purchase of tires and rim assemblies for the Solid Waste Transfer Station from Setco at a cost of \$27,567.20.

26. Approval of Agreement with Department of Agriculture and Consumer Services (DACS) for Arthropod/Mosquito Control State Aid

The Board approved Option 1: Approve the agreement with Florida Department of Agriculture and Consumer Services for Arthropod/Mosquito Control State Aid, and authorize the Chairman to execute.

27. Request to Approve Travel Expenses for Commissioner Thael to Attend the University of Florida IFAS Extension Training Program in Gainesville, April 29-30, 2004

The Board approved Option 1: Approve the travel expenses as requested.

28. Request to Approve Travel Expenses for Commissioner Aide Martin Green to Attend the Florida Association of Counties (FAC) Annual Conference in Broward County, Florida, on June 23-24, 2004

The Board approved Option 1: Approve the travel expenses as requested.

29. Request to Approve Travel Expenses for Chairman Jane Sauls and for Chairman's Aide, Linda Summerlin, to Attend the Florida Association of Counties (FAC) Annual Conference in Broward County, Florida, on June 23-24, 2004

The Board approved Option 1: Approve the travel expenses as requested.

30. Request to Approve Travel Expenses for Commissioner Maloy to Attend the Florida Association of Counties (FAC) Annual Conference in Broward County, Florida, on June 22-25, 2004

The Board approved Option 1: Approve the travel expense.

31. Request to Approve Travel Expenses for Commissioner Rackleff to Attend the Florida Association of Counties (FAC) Annual Conference in Broward County, Florida, on June 23-24, 2004 and Travel Directly to the Congress for the New Urbanism (CNU XII) in Chicago, IL on June 25-27, 2004

The Board approved Option 1: Approve the travel request.

General Business

32. Approval of Voluntary Annexation of Property Located at 4784 Thomasville Road

This item involves Board consideration of the proposed voluntary annexation petition by the owner of approximately 6.65 acres located on Thomasville Road, south of Ox Bottom Road.

Commissioner Maloy moved and was duly seconded by Commissioner Rackleff to approve Option 1: Do not object to the City annexation of the property located at 4784 Thomasville Road.

Commissioner Grippa voiced concern that the increase in units allowed under the City Code (25 units) could adversely impact Circle J Drive, which already has flooding problems. He also pointed out that this is an example of City Code being different than the County Code and annexations taking place, which takes advantage of certain property uses.

David McDevitt, GEM, explained that the developer would have less density under the County's Code depending on the surrounding lot sizes. He also pointed out that this would not increase the flow of water to Circle J Drive since it is going down Thomasville Road towards Ox Bottom Road. Mr. McDevitt stated that there is a slight difference in the City's allowable density in the RP Zoning

District and that is reflective of the City's ability to provide central sewer and water and the County cannot provide the service.

County Administrator Alam explained that all annexations theoretically affect City/County agreements and suggested that the question be addressed: Does the annexation affect any agreement specifically to the subject property?

Commissioner Thael offered a friendly amendment to the motion, which was accepted by Commissioner Maloy, that future annexation requests include an analysis on the impact of the annexation to that specific piece of property for voluntary annexation.

The motion on the floor with the friendly amendment carried 6 – 1 (Commissioner Grippa voted in opposition).

33. Approve Development Review and Permitting on the Proposed Brook Forest Single-Family Residential Subdivision by the City of Tallahassee in Advance of Voluntary Annexation

The Board considered the request for the agent of the owner (St. Joe Company) of property located on Westway Road to proceed with the development review and permitting process with the City of Tallahassee in advance of voluntary annexation.

Discussion ensued about the differences between the City Code and County code regarding permitting and development review.

David McDevitt, Development Services Director, GEM, stated that there is little difference between the City and County Codes and if the subdivision went through the County's development review and permitting process; it would be determined to be a Type C Development and would need to come to the Board for approval.

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Option 2: Do not approve the request from the agent for the owner (St. Joe Company, Inc.) of property located on Westway Road to proceed with the development review and permitting process with the City of Tallahassee in advance of voluntary annexation; direct staff to bring back an agenda item regarding the pros and cons of approving development review and permitting by the City of Tallahassee in advance of voluntary annexation. The motion carried 5/1 (Commissioner Rackleff voted in opposition and Commissioner Grippa was out of Chambers.)

34. Consideration of Implementation of Davis Productivity Awards

The Board engaged in discussion about the County having an awards program similar to the Davis Productivity Awards (DPA), which awards employees who find ways to save the County money. The City of Tallahassee's incentive awards programs includes the DPA and the County may wish to consider a similar type award program.

The Board indicated that they were satisfied with the County's program and employees were getting recognized and awarded appropriately.

Commissioner Malcy moved, duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioner Sauls and Grippa were out of Chambers), to approve Option 3: Do not approve the Davis Productivity Awards Program concept or authorize staff to negotiate a contract with TaxWatch for the Board's consideration in future agenda item. The Board requested that staff bring back recommendations on improving the County's program and increasing program funding.

35. Acceptance of Status Report on the Feasibility of Establishing a Leon County Program to Buy Prescription Drugs from Canada

This agenda item provides information about existing programs by other state and local governments to lower prescription drug costs for employees, retirees, and health services programs, and requests that the Board direct staff to evaluate the feasibility of such a program for Leon County.

Commissioner Rackleff gave an overview of his research regarding the feasibility of establishing a Leon County program to buy prescription drugs from Canada. He stated that this program could be patterned after other state and local programs that now exist and could help lower pharmaceutical costs for employees, retirees, community health care clinics, inmate healthcare at the Leon County Jail, and for the Emergency Management System. He pointed out that the United States pays the highest prices for prescription drugs than any other country in the world. The federal government opposes importation of drugs from Canada but they have never taken any enforcement action against an individual who purchased prescription drugs from Canada, either by mail or Internet or by going to Canada. Some state governments have these programs in place and they are working and reducing costs, but the federal government has never prosecuted. Also, the Attorney General from 18 states petitioned the Department of HHS to let states import low cost prescription drugs. Commissioner Rackleff stated that one argument against the endeavor is that it is unsafe; this is a bogus argument because Canada has better drug safety regulations than the United States and the costs are less.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael to approve Option 1: Authorize staff to examine the feasibility of a Leon County program, and if found feasible, develop such a program for Board consideration.

Commissioner Rackleff advised that he has background information that he would provide to staff from Montgomery County, Md., on issues that staff could encounter in reviewing the matter.

If the Board approves this item, County Administrator Alam explained that Dr. Henry Lewis, III, FAMU Dean of Pharmacy, offered his department to assist with the research on the issue. Commissioner Thael concurred that this be included in the motion.

The following citizens appeared:

L. Whitney, 576 E. Call Street, appeared and urged the Board to support the motion, suggested that this could benefit the elderly by reducing the cost of medicines. She also asked to be included in future discussions and/or committees.

Dr. Rita Brown, 5578 Pedrick Plantation Circle, appeared representing Florida Pharmacy Association, and urged the Board to not pursue obtaining drugs from Canada because of safety issues. It is not known where the drugs would actually come from and how they are stored. She recommended other alternatives such as fighting to get drug manufacturers to lower costs.

Dr. Michael Jackson, Executive Vice-President of the Florida Pharmacy Association, 6440 Justin Grant Trail, expressed opposition to the proposal citing safety, supply and demand issues. He stated that he is not aware of the aspects of the North America Free Trade Agreement but he suspects that there are commodities that can cross the border without penalty of tariffs. He stated that he was not sure if that was freely done under the aspect of providing pharmacy care. Dr. Jackson stated that pharmacies in Florida are prohibited by law from purchasing products from outside the United States; to do so, they would do so under penalty of sanction. He explained that they are attempting to find solutions to the high cost of medications such as discount programs for seniors without health insurance.

The Board engaged in some discussion regarding prescription drugs for inmates and it was noted that the price is renegotiated each year in the Sheriff's contract.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Proctor to seek an Attorney General's Opinion about obtaining prescription drugs from Canada, and not proceed any further if it is declared to be illegal.

Following additional discussion, Commissioner Winchester offered a friendly amendment, accepted by the maker of the motion, to establish a Blue Ribbon Committee to study the feasibility of establishing a program to buy prescription drugs from Canada.

Commissioner Grippa withdrew his substitute motion.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Winchester, to: 1) seek the Attorney General's Opinion on legality of importing Canadian drugs into Florida under Florida Law, and, if legal, stop moving forward on the issue; 2) establish a Blue Ribbon Committee; 3) examine feasibility and conduct a cost analysis of providing prescription drugs to Bond and Neighborhood Health Centers and to Leon County Jail inmates; and 4) have Dr. Henry Lewis, III, look at safety issues and conduct other independent research.

Commissioner Grippa suggested that it might be necessary to contact Congressman Boyd and/or Senator Nelson about this issue and perhaps changes in law could occur if necessary.

After further discussion, Commissioner Grippa withdrew his substitute motion.

Commissioner Winchester offered a friendly amendment to the original motion, which was accepted by the maker of the motion, to see the Attorney General's Opinion on the legality of the endeavor and request Dr. Henry Lewis, III, to look at safety issues and conduct other independent research.

Commissioner Thael called the question on the original motion.

The original motion (Option 1), as amended, carried 4 – 3 (Commissioners Grippa, Maloy and Proctor voted in opposition). *Commissioner Grippa later changed his vote to the affirmative.*

Commissioner Rackleff remarked that the likely outcome of a positive finding of feasibility would be a program for voluntary employees and retirees, a mail-order plan as an additional benefit, administered by a pharmacy benefits manager for prescription drugs. This would include safeguards detailed in the Montgomery County report which has been provided to the Board.

Later Commissioner Grippa suggested that the item be reconsidered and to consider adding the Attorney General's Opinion to the request. The Board indicated no interest in doing so.

The Board then entered discussion under Citizens to Be Heard.

36. Expirations, Vacancies, and Appointments to Various Committees

Airport Gateway Corridor Advisory Committee: Commissioner Proctor appointed Rick Eggers.

Fort Braden Community Center Board of Directors: Commissioner Grippa continued his appointment.

Minority Women/Business Enterprise: Commissioner Maloy reappointed Cheryl Gonzalez; Commissioner Sauls reappointed Pat McGowan; Commissioner Thael appointed Jane Houle.

Septic System Advisory Committee: Commissioner Proctor's appointment was continued.

The Board then entered discussion regarding Add-on Agenda Item (Commissioner Grippa.)

Add-On: Travel Expenses for Commissioner Grippa

Commissioner Grippa moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Rackleff and Proctor were out of Chambers), to approve Option 1: Approve the travel expenses for Commissioner Tony Grippa to attend the 75th Annual Florida Association of Counties Conference in Broward County, Florida, June 23-25, 2004.

Scheduled Public Hearings, 6:00 p.m.

37. Conduct First and Only Public Hearing on a Proposed Adjustment to the Village Center Designation in the Bradfordville Commercial Overlay Zone One (CO-1) District of the Bradfordville Sector Plan

Pursuant to legal advertisement, a public hearing was scheduled to be conducted. This item was continued to June 8, 2004 at 6:00 p.m. County Attorney explained that the materials were not finished in time for the meeting and the advertisement was run as a site plan and should have been run as an ordinance. It was noted that the parties involved in the settlement agreement were notified and they would receive another notice and package for the June 8th public hearing.

38. Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the R-1 Single-Family Detached Residential Zoning District to the C-2 Commercial Zoning District for the Woodville Ace Hardware Store.

Pursuant to legal advertisement, a public hearing was conducted.

The subject area is located at the northeast corner of Natural Bridge Road and Old Woodville Road and involves approximately 1.5 acres. The applicant is the Leon County Board of County Commissioners. It was noted that the Tallahassee-Leon County Planning Commission unanimously recommended approval of the ordinance.

(This item involves a hardware store which conforms with the regulation of the C-2 District, however, a portion of the subject area zoned R-1 contains

improvements including an out-building and a portion of the stormwater management facility for the existing land use. The split zoning of the subject site prohibits use of the rear portion for commercial activities, including expansion of the existing use, and makes a portion of the site legally nonconforming. The owner of the Woodville Ace Hardware Store has recently filed a development order application with the County seeking to expand the business within that portion of the site zoned R-1.)

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioner Proctor and Winchester were out of Chambers), approve Option 1: Conduct the public hearing and adopt the proposed Ordinance (No. 04-13) amending the Official Zoning Map from the R-1 district to the C-2 district, based on the recommendation of the Tallahassee-Leon County Planning Commission and the findings provided herein:

39. Conduct the First and Only Public Hearing and Adopt the Resolution to Approve the Interlocal Agreement Regarding Presbyterian Retirement Communities, Inc.

Pursuant to legal advertisement, a public hearing was conducted.

County Attorney Thiele explained that this is a TEPPRA Hearing with regard to the Presbyterian Retirement Communities Bond issue; it is not an obligation of Leon County and has been issued by St. Johns.

The agenda request explains that Presbyterian Retirement Communities, Inc., Wesley Manor, Inc., SunCoast Manor, Inc., Palm Shores Retirement Community, Inc, and Westminster Services, Inc., together with PRC, Wesley Manor, SunCoast, Palm Shores, collectively, the Obligated Group are not-for-profit corporations organized and existing under the laws of the State of Florida. The Obligated Group owns and operates eight continuing care retirement facilities throughout the State of Florida. PRC owns and operates the facility located in Leon County, Florida (the "County") known as Westminster Oaks.

The Obligated Group desires to finance, refinance, and reimburse the cost of acquisition, construction, improvement and equipping the facilities. They plan to make certain improvements to Westminster Oaks, including the construction of four village style residential units. The Obligated Group has requested that financing of the project be through the issuance by the St. Johns County Industrial Development Authority in conjunction with an interlocal agreement among the Authority, the Board of County Commissioners of Leon County and other governmental entities in which the Facilities to be improved from bond proceeds are located. The Authority has received an application from PRC requesting that the Authority issued not to exceed \$48,400,000 of the Authority's First Mortgage Revenue Bonds (Presbyterian Retirement Communities Project), Series 2004 to finance the project.

Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 5/0 (Commissioners Proctor and Winchester were out of Chambers), to approve Option 1: Conduct the first and only public hearing and adopt the attached Resolution R04-08 and approve the Interlocal Agreement, which would permit the Authority to issue the bonds, and authorize the Chairman to execute same:

The Board then entered discussion of Item 22.

Citizens to Be Heard on Non-Agendaed Items (6-minute limit)

Randall Brown, 311 Ross Road, appeared and explained that he and his family own a construction company on the same road which is zoned M-2. He has an additional lot next door that was rezoned to R-5 without his knowledge and now he cannot expand his business. Mr. Brown stated that the property has always been utilized as part of their business operations such as housing dump trucks and other equipment. He requested that the Board sponsor a rezoning for his adjoining property to M-2 as soon as possible so the warehouse can be built; there are 33 employees whose jobs hinge on the warehouse being constructed.

Commissioner Winchester moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to initiate a rezoning application and expedite the process.

Wayne Tedder, Planning Director, explained about massive rezonings that took place in 1997. Mr. Tedder indicated that the subject rezoning would be scheduled for the July 27, 2004 Board agenda.

County Attorney

Commissioner Grippa asked the County Attorney about whether the Board could approve, conceptually, the CRA (Community Redevelopment) Interlocal Agreement. In response, County Attorney Thiele advised that he had not reviewed the agreement. Commissioner Thael stated that he had talked to City Commissioner Mustian regarding the CRA provisions and Charter amendments. It was noted that the CRA Interlocal Agreement would be agendaed for Board consideration.

County Administrator

Reminded the Commission that at the last Board meeting, Commissioners talked about the FAC Scholarship and the County agreed to match it by \$1,000. County Administrator Alan advised that Steven "Pepper" Ghazvini, Sandco, has contributed \$1,500 towards the scholarship. Commissioner Proctor moved, duly seconded by Commissioner Thael and carried unanimously, to accept the contribution from Mr. Ghazvini. The scholarship is now \$3,500.

Discussion Items by Commissioners

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Commissioner Grippa

- a. Invited Commissioners to participate in the ribbon-cutting ceremony for the home addition of Tallahassee soldier Michael Plaster and his family, as part of the Association of the United States Army (AUSA), Big Bend Chapter's initiative "Do the Right Thing." The event will take place Friday, May 28, 2004 at 9:00 a.m. at 4129 Winnington Road.
- b. Requested the Board send a letter thanking Peggy Brady, Executive Director of the Cultural Resources Commission, for negotiating the costs of office space at \$5/sq. ft., getting furniture donated and for other cost-saving initiatives.
- c. Requested a resolution for Big Bend Crime Stoppers Day, celebrating their 20th anniversary on July 5, 2004.
- d. Commissioner Grippa requested that the record reflect a change in his vote on Item 35 (Prescription Drugs from Canada issue) from opposition to affirmative so the Board would be unified on the issue.
- e. Requested that staff look into the safety issues regarding Bradfordville Road/Pisgah Church Road. A newspaper article indicated that this was a dangerous intersection. Commissioner Grippa suggested that a traffic study be conducted since it might need traffic calming devices and/or a traffic light.
- f. Referred to the Lake McBride Settlement Agreement and stated that certain things need to be done and suggested an agenda item: 1) lateral shelf in order to ensure the 4-inch standard; 2) seek grants from outside organizations for spraying; 3) raising the pipe one foot. Commissioner Grippa moved, duly seconded by Commissioner Thaeil and carried unanimously, 7/0, to agenda item.
- g. Commissioner Grippa stated that he would like to see the Traffic Court Building sold since it is valuable property and would be utilized to pay for the Bank of America Building. Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, that staff bring back an agenda item on the sale of the County's Traffic Court Building and relocation to the Bank of America Building.
- h. He stated that the Ausley Law Firm bid on office space at the BOA building and staff was unable, according to Board policy, to negotiate the lease of the space. The law firm needs temporary space while expansion construction is done on their present building. County Attorney Thiele advised that the Board would have to amend its policy as it relates to the utilization of the BOA. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to request the County Attorney to look into the issue and bring back an agenda item on a possible revision to the Board policy allowing staff to be able to negotiate.

Commissioner Rackleff

- a. Suggested that the Board members stop by the Downtown Library at the reference section and view the new Small Business Center in the Reference Section which was a result of the additional budget funding that the County provided in the last couple of years.
- b. Requested a resolution on June 8, 2004 for the Leon County Extension Office for coordinating the Walk through Florida Program (July 4 – August 28), a partnership of state agencies and Leon County.

Chairman Sauls

- a. Distributed an email of an update of plans for the Innovation Park Incubator.
- b. Requested a resolution for Ft. Braden Middle School's Softball team on winning the District Championship.
- c. Requested adoption of a resolution for the Celebrate America July Fourth Celebration. The Board concurred.

Commissioner Winchester suggested limiting the number of resolutions for each Board meeting so that it involves approximately 20 minutes of the meeting. Chairman Sauls indicated they would attempt to limit the number.

Commissioner Winchester

- a. Requested an update on the traffic light installation on U. S. 27 North/Old Bainbridge North.
- b. Displayed a trophy from the American Public Works, APWA Rodeo event involving his race with the Mayor.
- c. Requested an update on his request for an agenda item regarding staff's evaluation of a land acquisition program and preserving vacant land along Ochlocknee River to protect water quality (Ochlocknee River Greenway). Commissioner Thael indicated that land acquisition could be done perhaps through a grant from the Florida Forever Program, C.A.R.L Program, Nature Conservancy, Trust for Public Land. Commissioner Thael stated that he would meet with staff regarding this issue. Commissioner Winchester suggested that staff include the area where Tower Road dead ends to the Ochlocknee River.
- d. Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to adopt a resolution for Postal Service Appreciation Day on its 229th birthday.

- e. Requested an agenda item on linking County government with Cooperative Extension and an overview of his trip to Costa Rico.
- e. Noted that he was asked to collaborate with a City Commissioner to address the TMDL (total daily maximum load) Program and issues associated with stormwater management in the City of Tallahassee and Leon County. Commissioner Thael explained that he has been working with a City Commissioner, County staff, and legal team to develop a program or concept to manage stormwater through watersheds rather than political jurisdictions.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Grippa and Winchester were out of Chambers), to bring back an agenda item on July 13, 2004 regarding the Watershed Protection.

Commissioner Proctor

- a. Commissioner Proctor moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to bring back an agenda item regarding the County donating or leasing land adjacent to the Boys and Girls Club to the Boys and Girls Club for a gymnasium.
- b. Commissioner Proctor moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioners Winchester out of Chambers), to bring back for consideration an ordinance for the Community Reinvestment Act Standard and circulated a memorandum on the issue.
- c. Commissioner Proctor moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to direct staff to prepare a Comprehensive Plan Amendment that adopts the Community Reinvestment Standard. The motion carried unanimously, 6/0 (Commissioner Winchester was out of Chambers).

There being no further business to come to the Board, the meeting was adjourned at 9:24 p.m.

APPROVED: _____
Jane Sauls
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court